THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.27573 OF 2005

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DATE: 19th JUNE 2006

Between:

1. Mule Rami Reddy, son of Musalaiah,
aged 26 years, R/0 Petluru village,
Kondapi Mandal, Prakasam District,
Voter No.2 in T.C.No.4 of Petluru
Ooracheruvu, W.U.A. and another.

…. Petitioners.

And

1. The Government of Andhra Pradesh,
rep. By its Prl. Secretary, Irrigation
and Command Area Development,
Talasondha Buildings, Erramanzil,
Hyderabad and 5 others.

…. Respondents.

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ORDER:

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The only complaint of the petitioners is that the Government has no power under Rule 40 of the A.P. Farmers Management of Irrigation Systems (Conduct of Elections) Rules, 2003 (for short 'the Rules') enumerates the circumstances

under which the Election Officer can adjourn the poll. As per sub-rule (1) of Rule 40 where the proceedings at any polling station are seriously interrupted or obstructed by any riot or open violence or otherwise or where a large number of voters are unable to attend the poll at a polling station by reason of an act of God such as flood or fire etc., the Election Officer shall stop the poll at that polling station pending receipt of the orders of the District Election Authority and the fact that the poll has been so stopped shall be immediately announced by the Election Officer to the persons present at the polling station. Where the Election Officer, so stops a poll in the circumstances stated above, sub-rule (2) of Rule 40 of the Act provides that he shall observe the procedure given in the manual for closing of poll and sealing of voting boxes, covers, accounting of voting slips, etc., and forthwith make the full report of the circumstances to the District Election Authority.

2. In this case, Government issued G.O.Rt.No.503 while exercising powers in Section 4(5) of the A.P. Farmers Management of Irrigation Systems Act, 1997 and after careful examination of the representations purported to have been filed under references 2 to 4 of the said G.O. Chapter 3 contemplates the circumstances under which the polls can be adjourned. The impugned order says that there are some irregularities in the voters list. Therefore, the elections were postponed under the impugned G.O. Neither Rule 40 nor the Chapter 3 of the Rules contemplates that an election can be postponed for any irregularities found in the voters list. Therefore, I am of the opinion that any irregularities found in the voters list that can be a matter of election petition, but not using the extraordinary power of the Government vested under the Act. Therefore, the impugned order is set aside.

3. The writ petition is allowed accordingly. Since the respondents have already conducted elections, they are directed to announce the results.

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C.V.RAMULU, J.

Date: 19th June 2006.

BSB